IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION No.3686 OF 2006.

Shri. Premshankar K. Yadav. ..Petitioner.

Vs.

M/s. Creative Garments Ltd. ..Respondent.

Shri. Rajesh Gehani, Advocate for Petitioner.

Shri. A.M. Nathani & Shri. V.P. Vaidya,Advocates for Respondent.

CORAM:R.M.S.KHANDEPARKAR,J.

DATED:13TH NOVEMBER, 2006.

P.C.:-

1] Heard.

2] The Petitioner challenges order dated 26th September, 2005 passed by the Labour Court, Mumbai dismissing the claim of the petitioner for reinstatement with full backwages in Reference (IDA) No. 611 of 1999.

3] Petitioner has alleged illegal termination of his services by the respondent. Labour Court has held that the Petitioner failed to establish his case that he was being

prohibited from attending to his duties and on the contrary, the evidence on record discloses that he himself had abandoned the service. The Labour Court has also referred to the various materials on record and has held that the petitioner had been habitual absentee for number of days. It has been rightly submitted by the Advocate for the Respondent that there was clear indication on the part of the Petitioner about refusal to join to the services inspite of specific request in regard being made by the respondent by letter dated 24th January, 1998 Exh.C-9. The testimony of the petitioner clearly discloses that such letter was sent by the respondent and was duly received by the petitioner and yet the petitioner had not bothered to reply to the said notice either denying contents of the said notice or expressing his willingness to resume to his duties. The findings arrived by the Labour Court in regard to failure on the part of the petitioner to resume to his duties

are clearly born out from the records.

4] For the reasons stated above, therefore,

I do not find any justification for

interference in the impugned order of the Labour Court. There is no jurisdictional error in the order of the Labour Court while rejecting the Reference. No case is made out for interference and, therefore, the petition fails and is rejected.

[R.M.S.KHANDEPARKAR,J]